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3728

Atty. Dkt. No. 076565-0119

5/26/02
X. Cobb
10/30/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nikolaus et al.

Title: CONTAINER SYSTEM

Appl. No.: 10/010,957

Filing Date: 12/07/2001

Examiner:

Art Unit: 3728

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.

Chris Escaville
(Printed Name)
Chris Escaville
(Signature)

June 19, 2002
(Date of Deposit)

C 3700 MAIL ROOM

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PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is a preliminary amendment submitted in accordance with 37 C.F.R. § 1.115 and concerning the above-referenced patent application.

Please amend the application as follows (marked up versions of the claims amended below have been included in Appendix A of this Reply in accordance with 37 C.F.R. § 1.121).

In the Claims:

Please amend the claims 37 and 39 as follows:

- 1 37. (Once Amended) A container for holding cosmetics and having a first
2 platform and a second platform, the container comprising:
3 hinge means for coupling the first platform and a second platform and for
4 automatically pivoting the first platform from a storage position to a use position
5 relative to the second platform;
6 damper means for limiting pivoting of the first platform at rate of about
7 60 to 120 degrees per second;

06/28/2002 NMOHAMM1 00000067 10010957

01 FC:103
02 FC:102

594.00 DP
252.00 DP

O I P E JC41
JUN 24 2002
PATENT

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Chris Escavaille
(Printed Name)
Chris Escavaille
(Signature)

June 17, 2002
(Date of Deposit)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Preliminary Amendment in the above-identified application.

- [] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- [] Small Entity statement is enclosed.

Enclosed are:

- [X] Request To Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii) (1 page).
- [X] Supplemental Information Disclosure Statement (1 page).
- [X] Form PTO-1449 with copies of 2 listed reference(s) (1 page).
- [X] The fee required for additional claims is calculated below:

Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims: 74	- 41	= 33	x \$18.00	= \$594.00
Independents: 7	- 4	= 3	x \$84.00	= \$252.00
First presentation of any Multipl	Dependent Claims:	+ \$280.00	=	\$0.00
		CLAIMS FEE TOTAL:	=	\$846.00

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Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$400.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$920.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,440.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,960.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$846.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		<u>\$846.00</u>

- Please charge Deposit Account No. 06-1447 in the amount of \$ _____. A duplicate copy of this transmittal is enclosed.
- A check in the amount of \$846.00 is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 17, 2002

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By Jason E. Pauls
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